IN THE UNITED STATES DISTRICT FOR THE
EASTERN DISTRICT OF TEXAS,
SHERMAN DIVISION

JASON LEE VAN DYKE,	§	
Plaintiff,	§	
	§	
v.	§	
	§	**NO. 4:18-CV-247-ALM**
THOMAS CHRISTOPHER	§	
RETZLAFF, a/k/a DEAN	§	
ANDERSON, d/b/a VIA VIEW FILES,	§	
L.L.C., and VIAVIEW FILES,	§	
Defendant	§	

AFFIDAVIT OF JEFFREY L. DORRELL

On this day, Jeffrey L. Dorrell appeared before me, a Notary Public, and after I administered an oath to him, upon his oath, he said:

1.   "My name is Jeffrey L. Dorrell. I am more than 18 years of age and capable of making this affidavit. I have personal knowledge of the facts and matters set forth herein, which are true and correct.

2.   I am a board-certified civil trial and appellate attorney licensed to practice in the State of Texas since 1993. I have argued cases in Texas state trial courts, the U.S. District Courts for the Southern, Eastern, and Western Districts of Texas, the U.S. Courts of Appeals for the Second, Fourth, and Fifth Circuits, and in the U.S. Supreme Court. I have acted as lead counsel in the trial or appeal of approximately 400 cases over the last 25 years. I have acted as lead counsel in approximately 50 appeals that have resulted in full published opinions on the merits.

3.   I have been retained to defend Thomas Christopher Retzlaff in the case styled ***Van Dyke v. Retzlaff*** pending before the Court in which this affidavit is filed. My fee arrangement for work in this case not contingent upon the outcome or results obtained. My firm is to be compensated at an hourly rate for all work performed. My regular hourly rate for non-contingent cases is $350.00 per hour.

4.   Since March 2014, I have defended approximately 15 defamation cases by prosecuting "anti-SLAPP" motions to dismiss under the Texas Citizens Participation Act, TEX. CIV. PRAC. & REM. CODE § 27.001, *et seq*. (the "TCPA"). All but two of these cases have proceeded to appeal at the intermediate state court level. Two date, six of my cases have proceeded by further appeal to the Texas Supreme Court. As a result of my extensive trial and appellate experience with the TCPA, I am familiar with the attorney's fees a defendant can expect to incur in such a defense. The amounts of attorney's fees a

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defendant can expect to incur in such a case vary widely with several factors, including (i) whether the plaintiff nonsuits the case after filing of the TCPA motion to dismiss; (ii) whether the trial court rules on the TCPA in time to prevent denial of the motion by operation of law; (iii) how vigorously the plaintiff prosecutes its case before the anti-SLAPP motion is granted; and (iv) whether one or more appeals become necessary. In my previous cases involving defense of defamation actions pursuant to the TCPA, my clients have incurred attorney's fees in defense in amounts of, for example:

(i) $15,000.00 (when the plaintiff nonsuited the claims before litigating the TCPA motion);

(ii) $70,000.00 (when the plaintiff litigated and lost the TCPA motion, but further proceedings were necessary in the trial court to correct the amount of attorney's fees initially awarded);

(iii) $195,000.00 (when two appeals were necessary to the same intermediate appellate court);

(iv) $205,000.00 (when one appeal was necessary to the intermediate appellate court and a further appeal was taken to the Texas Supreme Court); and

(v) $350,000.00 (when two appeals were necessary to the same intermediate appellate court and a further appeal to the Texas Supreme Court).

5.   Based on my experience, it is my expert opinion that defendant Thomas Retzlaff's attorney's fees in defense of the instant suit could exceed $300,000.00 if plaintiff's case is not promptly dismissed.

6.   Exhibits 1-4 appended to the motion to require plaintiff to post security are true and correct copies of correspondence sent by plaintiff or of documents filed by plaintiff in the instant case."

FURTHER AFFIANT SAYETH NAUGHT

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JEFFREY L. DORRELL

SWORN TO and SUBSCRIBED before me by Jeffrey L. Dorrell on the ___29th___ of _____May_____, 2018.

_____
Notary Public in and for the State of Texas

NANCY MARTINEZ
Notary Public, State of Texas
My Commission Expires
July 01, 2018